

# **Notice of Allowability**

**Application No.**

09/754,152

**Examiner**

Crystal J. Barnes

**Applicant(s)**

SCHWAGER, ANDREAS

**Art Unit**

2121

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received on 10 August 2005 and Telephonic Interview on 9 September 2005.
2. ☒ The allowed claim(s) is/are 3-9, 11, 15-19 and 21-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. The following is a Notice of Allowability in response to the Amendment received on 10 August 2005. Claims 1, 2, 10, 12-14 and 20 have been cancelled. Claims 21 and 25 have been amended. Claims 3-9, 11, 15-19 and 21-25 remain pending in this application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory J. Koerner, Reg. No. 38,519 on 9 September 2005.

The application has been amended as follows:

#### **IN THE CLAIMS:**

Claim 25 lines 6-8,

Deleted "and a resource manager configured to reserve said primary  
control over said network resource for said first client," and

Inserted --a resource manager configured to reserve said primary control over said network resource for said first client; and a second client coupled to said electronic network seek said primary control over said network resource, said resource manager negotiating between said first client and said second client to obtain said primary control over said network resource, -- before "said network resource" in line 8.

#### REASONS for ALLOWANCE

3. Claims 3-9, 11, 15-19 and 21-25 are allowed.
4. The following is an examiner's statement of reasons for allowance:

As per claim 3, the prior art of record taken alone or in combination fails to teach the controllable device sending a rejection to the second control device working as the secondary controller trying to overrule the first control device working as the primary controller or to the further control device trying to overrule the first control device working as the primary controller, or the second control device, working as the secondary controller, and said rejection including a

list of all primary or secondary controllers, or both the primary and secondary controllers.

As per claim 11, the prior art of record taken alone or in combination fails to teach the first control device being able to reserve the controllable device or preempt another control device, via a resource manager included in the network.

As per claim 15, the prior art of record taken alone or in combination fails to teach a resource manager configured to arbitrate between said first controller and said second controller for controlling access to said primary control over said electronic device.

As per claim 21, the prior art of record taken alone or in combination fails to teach a second client coupled to said electronic network seeks said primary control over said network resource, and said resource manager negotiating between said first client and said second client to obtain said primary control over said network resource.

As per claim 25, the prior art of record taken alone or in combination fails to teach said resource manager negotiating between said first client and said second client to obtain said primary control over said network resource, said

network resource being shared by a primary access for full control of said network resource and a secondary access for limited control of said network resource.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Oath/Declaration*

5. The new oath or declaration was received on 16 May 2005.

*Priority*

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571.272.3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB  
9 September 2005



**Anthony Knight**  
Supervisory Patent Examiner  
Group 3600